

in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 bottles of Hill's rheumatic and gout remedy, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the Hill Products Co., from Orange, N. J., in part on or about April 22, 1930, and in part on or about November 24, 1930, and had been transported from the State of New Jersey into the State of Texas, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium acetate (7.6 grams per 100 c. c.), suspended vegetable matter and water (91 per cent).

It was alleged in the libel that the article was misbranded in that the following statements, "Guaranteed by Hill Medicine Co., under the Food and Drug Act June 30, 1906, Guar. No. 3467," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic and Gout Remedy for Rheumatism, Gout and Lumbago. * * * Gout Remedy * * * Rheumatism Remedy;" (bottle) "Rheumatic and Gout Remedy a medicine for Rheumatism, Gout and Lumbago. This Remedy is for the above stated diseases only and will relieve when all others fail. * * * Directions for Rheumatism, Sciatica and Lumbago * * * for Gout."

On August 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18488. Adulteration and misbranding of fluid extract ginger. U. S. v. 8 Barrels of Fluid Extract Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25887. I. S. No. 13104. S. No. 4160.)

Examination of a product, labeled "Liquid Medicine," and sold as fluid extract of ginger, from the shipment herein described having shown that the article did not conform to the requirements of the United States Pharmacopoeia and that it contained alcohol and failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 barrels of fluid extract of ginger at Chicago, Ill., alleging that the article had been shipped by Jordan Bros., from Los Angeles, Calif., February 6, 1931, that it was in the course of shipment to Jordan Bros., New York, N. Y., that it was in possession of the transportation company at Chicago, Ill., and was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Jordan Brothers, * * * New York City, N. Y."

Analysis of the sample of the article by this department showed that it contained rosin and a phenolic phosphate, constituents not provided for by the requirements of the United States Pharmacopoeia for fluid extract of ginger. The article contained 80 per cent by volume of alcohol.

It was alleged in the libel that the article was adulterated in that it was sold under the name "Fluidextract Ginger," a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation, and its own strength was not stated upon the container.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, "Fluidextract Ginger U.S.P." Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*